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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,233 11/06/2003		11/06/2003	Ranganathan Subramania	U 014876-9	7944
140	7590	05/24/2005		EXAMINER	
LADAS & 26 WEST 61		ET		KIFLE, E	BRUCK
NEW YORK			ART UNIT	PAPER NUMBER	
				1624	
				DATE MAILED: 05/24/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Bruck Kiffs, Ph.D. Bruck Kiffs, Ph			Application No.	Applicant(s)				
Bruck Kifle, Ph.D. - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than this; (30) days, and specified above is			10/702,233	SUBRAMANIA ET AL.				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extension of time may be available under the provisions of 37° CFR 1.35(a), in no event, however, may a nepty be timely filled - Extension of the may be available under the provisions of 37° CFR 1.35(a), in no event, however, may a nepty be timely filled - Extension of the major by secretical doors, the maximum setutory postly within the statutory minimum of theiry (30) days will be considered timely. - If NO period for reply is specified above, the maximum setutory bedown the statutory minimum of theiry (30°) days will be considered timely. - If NO period for reply is specified above, the maximum setutory bedown the statutory minimum of theiry (30° cfs. 25° (31° cfs.)) and the communication of the statutory minimum of theiry (30° cfs.) of the communication. - If NO period for reply is specified above, the maximum setutory bedown the provision of the second of the communication of the maximum setutory setup. - Status - If NO period for reply is specified above, the maximum setutory bedown the second of the communication. - Status - It is action in second of the second of the communication of the second of the seco								
THE MAILING DATE OF THIS COMMUNICATION. Extensions of mem pay be windles under the proxicition of 3°C FR 1.13(6). In no event, however, may a reply be timely filed after SIX (6) MONTISS from the mailing date of this communication. Purple of the communication o			pears on the cover sheet with the c	correspondence address				
1) Responsive to communication(s) filed on \$\textit{06}\$ November 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under \$Ex\$ parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 \(\text{Claim(s)} \) \(\text{Lis/are} \) pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 \(\text{Claim(s)} \) \(\text{Lis/are} \) rejected. 7 \(\text{Claim(s)} \) \(\text{Lis/are} \) rejected to. 8 \(\text{Claim(s)} \) \(\text{Lis/are} \) rejected to. 8 \(\text{Claim(s)} \) \(\text{Lis/are} \) rejected to restriction and/or election requirement. Application Papers 9 \(\text{The drawing(s)} \) filed on is/are: a)\(\text{Locapted or b} \) \(\text{Locapted of by the Examiner.} \) 10 \(\text{The drawing(s)} \) filed on is/are: a)\(\text{Locapted or b} \) \(\text{Locapted of by the Examiner.} \) Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a), Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)\(\text{The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)\(\text{Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)\(\text{All All b} \) \(\text{Discome* c} \) \(\text	THE - External after - If the - If NC - Failu Any	MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a rep period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statut reply received by the Office later than three months after the mailing	136(a). In no event, however, may a reply be tin ly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific asserted utility or a well established utility.

The compound of formula 2 or structurally similar compounds of formula 2 are not taught to have any use. The specification does not say what this compound may be used for. The only statement there is that this compound is a natural product analogue and may have importance as a drug candidate. Note, because such a utility for the claimed invention is not specific for the reasons set forth above, credibility cannot be asserted for that utility.

Claims 1-4 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

A utility for the compound produced by the instant process is not taught in the specification nor was it readily apparent. Ex parte Lanham, 108 USPQ at 135 states "It was never

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intended that a patent be granted upon a product, or a process producing a product, unless such product be useful."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruck Kifle, Ph.D. whose telephone number is 571-272-0668. The examiner can normally be reached Tuesdays to Fridays between 8:30 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bruck Kifle, Ph.D. Primary Examiner Art Unit 1624

Buch 2M

BK May 20, 2005